II.   <u>Amendments to the Drawings:</u>

Fig. 14 has been amended to correct the label of item 1401 to "RESOURCE MANAGEMENT SERVER." This sheet replaces the original sheet.

Attachment: Replacement Sheet

III.   REMARKS

A.   Status

Claims 1-12 are pending of which claims 1, 5 and 9 are independent.

In the Office Action, the drawings were objected to because Fig. 14 item 1401 was labeled as "Performance Management Server," although it is indicated to be a resource management server in the detailed description. Office Action at 2. Claim 11 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. *Id.* at 3. Claims 1-11 were rejected under 35 U.S.C. § 102(e) as being anticipated by Kawamoto et al. (U.S. Patent No. 7,117,499, hereinafter "Kawamoto"). *Id.* at 3-8.

In this amendment, claims 4, 8, 10, and 11, have been amended and new dependent claim 12 has been added to further describe the invention. Care has been exercised not to introduce new matter.

B.   Objection to the Drawings

Fig. 14 was objected to because item 1401 was labeled as "Performance Management Server," while the specification describes it as a resource management server on page 38. Office Action at 2. In response, item 1401 of Fig. 14 has been amended to label it a "Resource Management Server." Amendment at 7. Corrected Fig. 14 has been submitted in a replacement sheet. Withdrawal of the objection is respectfully requested.

C.   Claim 11 Is Not Indefinite

Claim 11 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant

regards as the invention. Office Action at 3. Allegedly, it was unclear to the Examiner what was intended by the original clause "wherein said computer resource allocated said computers is resources pertaining to a plurality of physical computers." *Id.* Claim 11 has been amended for further clarification. Amendment at 6. Hence, claim 11 is definite as presented above. Withdrawal of this rejection is respectfully requested.

D. Claims Are Not Anticipated

Claims 1-11 were rejected under 35 U.S.C. § 102(e) as being anticipated by Kawamoto. Office Action at 3-8. The rejection is respectfully traversed for the following reasons.

1. Independent Claims 1, 5 and 9 Are Not Anticipated by Kawamoto

Applicant respectfully submits that the method and system of independent claims 1, 5 and 9 include features relating to "correlation" and "forecast." Application at 4-8. Neither are taught by the cited prior art.

For example, claim 1 recites that the invention is for "computing coefficients of correlation." Amendment at 2. Likewise, independent claim 5 recites, "...a correlation coefficient computational unit..." and claim 9 recites, "...for computing coefficients of correlation...." *Id.* at 3-5.

The cited reference, Kawamoto, fails to disclose any correlation feature. In Kawamoto, SNi shows a CPU allocation ratio. *See, e.g.* Kawamoto at 2:33-67. This is different from correlation between LPARs of the present claims. The Kawamoto allocation ratio is determined based on manipulated loads LA0 – LAm. *Id.* at 10:15-36. In contrast, claim 1 calculates a coefficient of correlation based on data representing collected states of computer-resource utilizations. Amendment at 2. Independent claims 5 and 9 contain similar limitations. *Id.* at 3-6.

Therefore, claims 1, 5 and 9 are not anticipated by Kawamoto.

2. Dependent Claims 2-4, 6-8, and 10-11 Are Not Anticipated by Kawamoto

As discussed above, dependent claims 2, 6 and 12 all recite the "forecast" function. For example, claim 2 recites "...forecasting states of computer-resource utilizations..." *Id.* at 2. Dependent claim 6 and 12 contain similar limitations. *See Id.* at 4-6.

Claim 2 of Kawamoto shows that the system determines CPU allocation ratios based on measured loads. Kawamoto at 23:13-22. This does not teach that Kawamoto's system forecasts the lack of resources in future such as recited in claim 2 of the present application. That is, Kawamoto fails to disclose viewpoints as to "time" such as recited in the present independent claims 2, 6, and 12.

Of course, a dependent claim cannot be anticipated if the independent claim from which it depends is not anticipated. As discussed above, Applicants respectfully submit that claims 1, 5, and 9 are not anticipated. Claims 2-4, 6-8, and 10-11 depend from claims 1, 5, and 9, respectively. Therefore, claims 2-4, 6-8, and 10-11 are also not anticipated.

IV. <u>CONCLUSION</u>

In conclusion, Applicant respectfully submits that the claims 1-11 are now in condition for allowance.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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